

# Notice of Allowability

Application No.

10/067,374

Examiner

Susan W Berman

Applicant(s)

OZAI ET AL.

Art Unit

1711

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to filing.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>5-2, 5-20, 2002</u> | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material               | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

Susan W Berman  
Primary Examiner  
Art Unit: 1711

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roland Martin on September 11, 2003.

The application has been amended as follows:

Claim 1, in each of line 2 and line 8, delete "general";

Claim 1, last line, after "initiator" insert -- , wherein the parts by weight are based on the total weight of the composition -- .

Claim 3, line 4, delete "to ...".

The following is an examiner's statement of reasons for allowance: The prior art discloses compositions comprising an organopolysiloxane with hydroxyl end groups in combination with an organosilane compounds containing both (meth)acrylate groups and hydrolyzable groups; however, the prior art does not teach employing an organosilicon compound of formula (2) set forth in instant claim 1.

The closest prior art known to the examiner is set forth below.

Lien et al (4,528,081), cited by applicant, disclose dual curing silicones prepared by reacting a silanol terminated silicone with a silane containing a (meth)acrylate groups and alkoxy groups.

Compositions comprising moisture cure catalysts and photoinitiators are taught.

Sattlegger et al (4,229,548) disclose condensation curing compositions comprising a dihydroxypolydiorganopolysiloxane and a silicon-containing crosslinking agent. The crosslinking agent can be a di, tri- or poly-siloxane having reactive groups such as alkoxy, acyloxy amino, acid amide or oxime groups.

Art Unit: 1711

Gentle et al (5,516,823) disclose adhesion promoting compounds that are organosiloxanes or silanes or bis-silylalkane containing a silicon bonded ethylenically unsaturated group and at least three silicon bonded hydrolyzable groups. A compound corresponding to formula (2) in the instant claims is not disclosed.

Mortegi et al (4,975,472) disclose compositions having UV curing and condensation curing properties comprising a diorganopolysiloxane end blocked with solanol groups, a silane compound, such as an aminoalkoxysilane, and epoxy (meth)acrylate monomer, a condensation catalyst and a photosensitizer.

Vanderlaan et al (6,020,445) disclose silicone hydrogel polymers formed by polymerizing a mixture containing a poly(organosiloxane prepolymer, such as bismethacryloxypropyl polydimethylsiloxane, a polysiloxanylalkyl (meth)acrylate monomer, such as methacryloxypropyl tris(trimethylsiloxy)silane, and a photoinitiator.

Ellis et al (5,346,976) disclose copolymers for contact lenses obtained from ethylenically unsaturated organosilicone monomers such as methacryloxypropyl tris(trimethylsiloxy)silane.

Neefe (4,306,042) discloses oxygen permeable contact lenses from a copolymer of a siloxanyl alkylester, such as methyldi(trimethylsiloxy)-methacryloxymethylsilane, a (meth)acrylate monomer and an oxygen permeable crosslinking agent.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1711

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 703 308 0040. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703 308 2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.



Susan W Berman  
Primary Examiner  
Art Unit 1711

SB  
September 11, 2003